

*25/1*  
pharmaceutically acceptable carrier, auxiliary or excipient.

47. (New) A pharmaceutical composition comprising a precursor cell isolated from a peripheral tissue of a postnatal mammal, wherein said peripheral tissue comprises a sensory receptor, and a pharmaceutically acceptable carrier, auxiliary or excipient.

*25/1*  
48. (New) A kit comprising a precursor cell isolated from a peripheral tissue of a postnatal mammal, or a mitotic or differentiated cell that is the progeny of said precursor cell, wherein said peripheral tissue comprises a sensory receptor.

#### REMARKS

##### Summary of the invention

The invention features isolated precursor cells, or mitotic or differentiated progeny of these cells. The invention also features kits and compositions that include any of the foregoing cells.

##### Support for the amendments

In general, support for new claims 31-48 is found in the claims as originally filed. Support for the term "postnatal" in claims 31, 43, 44, and 46-48 is found throughout the specification (for example at page 15, line 21). Support for new claim 34 is also found throughout the specification (for example, at page 19, line 20, to page 21, line 7).

Support for new claim 38 is found at page 16, line 26, of the specification. No new matter is added by these amendments.

The claims, as amended, address the rejections in previous Office Actions and Advisory Actions

All of the claims, as amended, are directed to a precursor cell isolated from a peripheral tissue of a postnatal mammal. Calof et al. (Neuron 3:115-127, 1989; hereafter "Calof") and Mayo et al. (Int. J. Dev. Biol. 36:255-263, 1992; hereafter "Mayo"), the art cited by the Examiner in previous Office Actions as anticipating the claimed invention, each describe the culturing of embryonic tissue, and not postnatal tissue. As neither Calof nor Mayo teaches even the culturing of postnatal tissue, these references can not be considered to anticipate the pending claims, and the removal of the rejection of the claims as being anticipated by Calof or Mayo is respectfully requested.

In the Office Action dated October 15, 1998, the claims were rejected under 35 U.S.C. § 112, first and second paragraphs. To overcome these rejections, Applicants have canceled the previous claims and entered new claims, and these rejections may now be withdrawn.

In the Advisory Action dated June 24, 1999, the Examiner states that the term "postnatal" is vague and indefinite. Applicants disagree. One skilled in the art would readily recognize that a postnatal mammal is one that has been born. Both juvenile and

adult mammals are considered to be postnatal. The Applicants' intention, in using both "adult" and "postnatal," was that "adult" would represent a subset of "postnatal." The reason for the nomenclature was to emphasize that, while the discovery of the precursor cells of the present invention from juvenile animals was surprising, it was even more surprising that such cells could be isolated from adult animals.

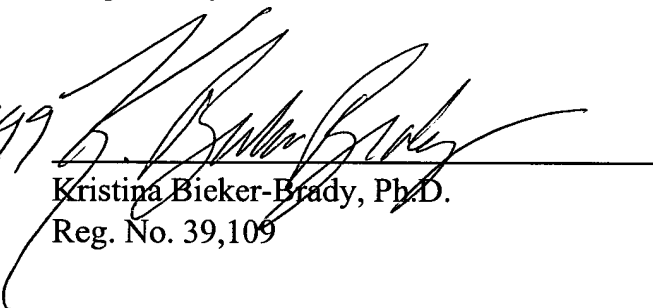
### Conclusion

Applicants submit that the claims are in condition for allowance. If there are any charges, or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date:

*September 15, 1999*

  
\_\_\_\_\_  
Kristina Bieker-Brady, Ph.D.  
Reg. No. 39,109

Clark & Elbing LLP  
176 Federal Street  
Boston, MA 02110  
Telephone: 617-428-0200  
Facsimile: 617-428-7045

\\Ceserver\documents\08589\08589.003003 prelim amend.wpd